

22-05144MB

AFFIDAVIT

I, David W. Bullard Jr, a Postal Inspector with the United States Postal Inspection Service (USPIS), being duly sworn, depose and state:

1. I am a Postal Inspector with the United States Postal Inspection Service, in Tucson, AZ, and have been employed as such since August of 2010. I have been employed by the U.S. Postal Inspection Service for over 12 years. I have conducted dozens of criminal investigations throughout my career, and I am currently conducting criminal investigations involving the theft of mail from both outside and inside postal facilities. Previously, I completed a 12 -week USPIS training academy in Potomac, MD. There I was instructed in mail theft investigative steps as well as crime scene processing. I am currently assigned to the Phoenix Division of the U.S. Postal Inspection Service in Tucson, Arizona.

PURPOSE OF THE AFFIDAVIT

2. I am submitting this affidavit in support of an application for the issuance of a search warrant authorizing Postal Inspectors with the United States Postal Service to collect a Deoxyribonucleic Acid (DNA) sample from JOHNNY ASBURY MARCIANO LESTER (LESTER) pursuant to the methodology described below. The person to be searched is more fully described in Attachment A, which is incorporated to this affidavit by reference. The items to be seized and searched are more fully described in Attachment B, also incorporated to this affidavit by reference.
3. Based on the investigation, for the reasons expressed below, your affiant believes there is probable cause to believe that the DNA collected from LESTER is evidence related to a

criminal investigation involving the commission of Burglary of a Post Office, in violation of Title 18, United States Code § 2115. This court has jurisdiction over these offenses under 18 U.S.C. § 2115 because the below-described events occurred on Federal property, within the District of Arizona, in Pima County, Arizona.

4. The facts in this affidavit are based on my personal observations, my training and experience, and information obtained from other agents, officers, investigators, and witnesses named herein. Because this affidavit is made for the limited purpose of establishing probable cause for this search warrant, I have not listed each and every fact known to me concerning this investigation.

SEARCH METHODOLOGY TO BE EMPLOYED

5. The process of collection will be limited to the seizure of a DNA standard by the use of two (2) buccal swabs. Method of collection will be oral, that is, by inserting the buccal swabs (2) into the mouth of LESTER for the purpose of collecting a DNA standard.

DESCRIPTION OF THE PROPERTY TO BE SEARCHED

6. JOHNNY ASBURY MARCIANO LESTER is currently incarcerated at the CCA Central Arizona Detention Center in Florence, Arizona. LESTER's date of birth is June 11, 1997. He is a Hispanic male, is approximately 5'10" tall, weighs approximately 168 pounds, and has brown eyes and black hair.

PROBABLE CAUSE

7. On June 19, 2021, employees of the Kino Postal Retail Unit ("Post Office"), located in Tucson, AZ, arrived at work to find that the workroom floor area of the post office had

been broken into the previous night. Post office employees noticed that the security screen separating the employees only workroom floor from the public area had been pried open and money orders were missing from the retail counter inside the workroom floor. Customers also reported that packages available for pickup the day before the break-in were missing.

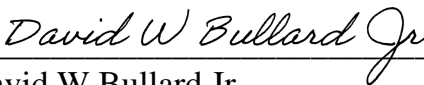
8. On the workroom floor near the retail counter Postal Inspectors found a partially smoked cigarette and a chewed plastic straw. In the employee bathroom an empty commercial water bottle was found. The cigarette, straw, and water bottle were all found in employees-only areas of the post-office which are not accessible to the public during business hours and are locked behind the security screen after hours.
9. Inspectors sent the three items recovered to the crime lab for fingerprint and DNA testing. Fingerprints on the water bottle recovered from the employee restroom matched database sourced fingerprints for LESTER. DNA from the straw was entered into the Combined DNA Index System (CODIS) and found to be a presumptive match with LESTER's DNA.
10. Fluids and tissues of the human body such as blood, saliva, sweat, and skin cells contain Deoxyribonucleic Acid (DNA), which is a chemical substance that serves as the genetic code. Although the code differs from person to person (except for identical twins), the DNA code is the same within all the cells and tissues of a single person. DNA typing techniques commonly used in the forensic DNA laboratory can detect differences in the DNA code from person to person. DNA typing is a very powerful technique for excluding or including an individual as the source of biological fluid or tissue. In order to make comparisons of DNA profiles, body fluid must be obtained from the individual. Because

the DNA code is the same within an individual, any body fluid (i.e. blood, saliva, sweat), hair or tissue can be used as an exemplary for an individual.

11. Oral swabs for DNA from JOHNNY ASBURY MARCIANO LESTER are needed in order to analyze his DNA and compare it to the DNA that may be contained in fluids and/or tissues, including skin cells, sweat, oil, and other bodily fluids, on the aforementioned evidence, specifically the straw obtained from the site of the break-in.

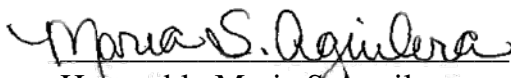
CONCLUSION

Based on the aforementioned information, I respectfully submit that there is probable cause to believe that the DNA standard of JOHNNY ASBURY MARCIANO LESTER, further described in Attachment B, will provide evidence related to the crime of Burglary of a Post Office, in violation of 18 U.S.C. § 2115. I respectfully request the issuance of a Federal Search Warrant allowing Postal Inspectors of the United States Postal Service to collect a DNA standard from JOHNNY ASBURY MARCIANO LESTER.



David W Bullard Jr.
United States Postal Inspector

Subscribed and sworn to before me telephonically
on this 30th day of November, 2022



Honorable Maria S. Aguilera
United States Magistrate Judge
District of Arizona